

Filed for intro on 02/12/97  
SENATE BILL 525 By  
Rochelle

HOUSE BILL 922  
By McMillan

AN ACT to amend Tennessee Code Annotated, Section 1-3-105;  
Section 29-2-101 and Title 47, relative to electronic  
writings and signatures.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 1-3-105, is amended by adding the  
following as a new item (23) and renumbering the subsequent items appropriately:

(23) "Record" means information that is inscribed on a tangible medium or that is  
stored in an electronic or other medium and is retrievable in a perceivable form;

And is further amended by deleting the newly renumbered item (28) in its entirety and  
substituting instead the following:

(28) "Signature" or "signed" includes a mark, the name being written near the  
mark and witnessed, or any other symbol or methodology executed or adopted by a  
party with intention to authenticate a writing or record, regardless of being witnessed;

SECTION 2. Tennessee Code Annotated, Section 29-2-101, is amended by adding the  
following as a new subsection (c);

(c) For purposes of this section, a writing, or some memorandum or note thereof,  
shall include a record of information that is inscribed on a tangible medium or that is  
stored in an electronic or other medium and is retrievable in a perceivable form.

SECTION 3. Tennessee Code Annotated, Section 47-1-201, is amended by adding the  
following as a new item (34) and renumbering the subsequent items appropriately:

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**\*002044\***

\*00204495\*

(34) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in a perceivable form;

And is further amended by deleting the newly renumbered item (40) in its entirety and by substituting instead the following:

(40) "Signed" includes any symbol or methodology executed or adjusted by a party with intention to authenticate a writing or record;

And is still further amended by deleting the newly renumbered item (47) in its entirety and by substituting instead the following:

(47) "Writing" or "written" includes printing, typewriting, engraving, lithography, and any other mode of representing words and letters, including information that is stored in an electronic or other medium and is retrievable in perceivable form;

SECTION 4. Tennessee Code Annotated, Section 47-1-206, is amended by deleting subsection (1) in its entirety and by substituting instead the following:

(1) Except in the cases described in subsection (2) of this section a contract for the sale of personal property is not enforceable by the way of action or defense beyond five thousand dollars (\$5,000) in amount or value of remedy unless there is some record which indicates that a contract for sale has been made between the parties as a defined or stated price, reasonably identifies the subject matter and is signed by the party against whom enforcement is sought or by his authorized agent.

SECTION 5. Tennessee Code Annotated, Section 47-2- 201, is amended by deleting subsection (1) in its entirety and by substituting instead the following:

(1) Except as otherwise provided in this section, a contract for sale of goods for the price of five hundred dollars (\$500) or more is not enforceable by way of action or defense unless there is some record sufficient to indicate that a contract for sale has been made between the parties and signed by the party against whom enforcement is sought or by his authorized agent or broker. A record is not insufficient because it omits

or incorrectly states a term agreed upon but the contract is not enforceable under this paragraph beyond the quantity of goods shown in such record.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

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